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KENNETH W. STOLLE
SHERIFF/HIGH CONSTABLE

POLICY & PROCEDURE GENERAL ORDER

SUBJECT: PROFESSIONAL STANDARDS AND ACCOUNTABILITY		# 02-10-00
EFFECTIVE DATE 12-16-05	REVISION DATE 02-29-12	PAGE 1 OF 6

VALEAC – ADM 18.03, ADM.18.04, PER 09.03, PER 09.05
MS - NONE

Purpose:

To establish the policy and procedures for all investigations and the investigation of complaints made against the Sheriff's Office, including complaints from citizens and/ or inmates made against the Sheriff's Office personnel, policies and/ or procedures. The Professional Standards and Accountability Office were created to ensure the integrity of the Sheriff's Office through the prompt, thorough, fair and objective investigation of allegations of misconduct. To pursue every legitimate course of action to obtain the facts and develop sufficient information to support an appropriate disposition of each matter investigated.

To establish policy and procedures for all command inspections in an effort to be proactive and facilitate the detection of problems before they arise.

Policy:

The Professional Standards and Accountability Office is under the command authority of The Director of the Investigative Division. The Director of the Investigative Division has the authority to report directly to the Sheriff for all related matters.

It shall be the policy of the Virginia Beach Sheriff's Office to investigate, record and track any and all complaints made against the Sheriff's Office and its members or against the Sheriff's Office policies and procedures. The assignment, recording and tracking of the investigations shall be the function of the Professional Standards and Accountability Office. This policy shall include the investigation of allegations of or suspected violations of law, Sheriff's Office rules, regulations, policies, procedures or orders, written and oral, as reported to the Sheriff's Office by appointees of the Sheriff's Office, citizens and inmates in writing, in person, by telephone and/or by electronic correspondence.

The notification of violations can be in person, signed or anonymous. Citizen's complaints can be received by any member of the Sheriff's Office. All Sheriff's Office appointees shall immediately and in a courteous manner, direct any citizen who wishes to make a complaint, to a supervisor. The supervisor receiving the complaint shall forward the complaint to the Professional Standards and Accountability Office for assignment.

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The thorough standardized assignment, recording and tracking of complaints by Professional Standards and Accountability or their designee, demonstrates the Sheriff's Office's commitment to its mission statement.

This policy shall be made available to all appointees of the Sheriff's Office.

Definitions:

Professional Standards and Accountability Office:

The Professional Standard Office is a fact finding body and was created to provide the Sheriff and/or his designees with information to evaluate the effectiveness and efficiency of the day to day operation of the Sheriff's Office.

Complaint:

A complaint is defined as an expressed dissatisfaction as it relates to the Sheriff's Office operations, policy, personnel conduct, or alleged unlawful acts. Forms of receiving a complaint shall be, in writing, in person, by telephone, or electronic correspondence. The notification of violations can be in person, signed or anonymous.

Internal Investigation:

An investigation generated from within the Sheriff's Office concerning a specific allegation of misconduct.

Inquiry:

A preliminary investigation, generated from inside or outside the Sheriff's Office, based upon the need for information or possible misconduct.

Unclaimed body:

The Sheriff's Office is responsible for the disposition of deceased Virginia Beach residents, locating relatives, filing motions with the court, notification to appropriate agencies and funeral arrangements.

Procedures:

1. The Professional Standards and Accountability Office shall conduct all administrative investigations on allegations involving:
 - a. Excessive Force/Unnecessary force.
 - b. Conformance to laws.

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- c. In-custody deaths, serious injury, or suicide attempts.
 - d. Deputy involved firearm discharges.
 - e. Complex/time consuming investigations as determined by the Director of the Investigative Division.
 - f. Any other Sheriff's Office related matter as directed by the Sheriff or Chief Deputy.
2. Professional Standards and Accountability is responsible for:
- a. Other investigations as directed by the Sheriff and or Chief Deputy.
 - b. Unclaimed body investigations.
 - c. Assignments of administrative investigations to the appropriate commands.
 - d. CURED board
 - e. Notification of complaints of the disposition of their allegations.
 - f. Assisting in the preparation of civil litigation involving Sheriff's Office personnel.
 - g. Maintaining the administrative and disciplinary files for the Sheriff's Office.
 - h. Maintaining a database of citizen complaints, internal investigations, inquiries, inmate complaints, Personnel Conduct Reports and unclaimed bodies.
 - i. Providing statistical data for the Sheriff and or Chief Deputies regarding administrative investigations.
 - j. Managing requests for information by other Jurisdictions.
3. Receiving a Citizens complaint
- a. All Sheriff's Office appointees shall immediately and in a courteous manner, direct any citizen who wishes to make a complaint to a supervisor.
 - b. All supervisors are responsible to courteously and willingly accept and document citizen complaints.

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- c. The supervisor shall fill out a complaint form and give a brief narrative of the complaint.
- c. The supervisor shall check for the accuracy of the information and have the complainant read and sign, if possible. A copy of the complaint shall be provided to the complainant.
- d. The complaint shall be forwarded to the Professional Standards and Accountability Office. A PSO number will be assigned to the complaint.
- e. An investigator shall be assigned after the complaint is reviewed by the Director of the Investigative Division. The complaint may be returned to the originating command for investigation.
- f. The completed investigation will be returned to the Professional Standards and Accountability Office.
- g. The completed investigation will be reviewed by the Director of the Investigative Division.
- h. The completed investigation shall then be forwarded to the chief deputy for final disposition.
- i. The Professional Standards and Accountability deputy shall notify the complainant in writing acknowledging the complaint and at the conclusion of the case.

4. Types of Disposition

- a. *Unfounded*: The incident may or may not have occurred, but the allegation did not occur.
- b. *Inconclusive*: There is insufficient evidence to prove or disprove the allegation.
- c. *Founded*: There is sufficient evidence to prove the allegation.
- d. *Other*: The subject does not fit the above categories.

5. Routing of the investigation file

- e. The Professional Standards and Accountability Office tracks all files numbers and to whom they are assigned.

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- b. The Professional Standards and Accountability Office must be notified whenever a PSO file is forwarded.
 - c. Notification may be via e-mail with the name and date of whom it was forwarded.
 - d. The cover sheet must be signed and dated each time the file is forwarded.
 - e. Files being kept more than 30 days require an extension request from PSO.
- 6. Personnel Conduct Reports
 - a. A supervisor initiating a Personnel Conduct Report shall obtain a PSO file number. This number shall be tracked by the Professional Standards and Accountability Office.
- 7. Criminal Allegations
 - a. If the allegations are criminal, the Professional Standards and Accountability Office may handle only the administrative investigation. The criminal investigation may be referred to the Intelligence Unit and/or the Police Department, as directed in SOP 02-05-00.
- 8. Command Inspection
 - a. Command inspections shall be conducted in accordance with General Order 07-09-00, Inspections, on a regular basis as scheduled by the Director of the Investigative Division.
 - b. Items inspected by line supervisors shall be re-inspected by the command staff as well as any other person, process or procedure designated for inspection, by the Director of the Investigative Division or by higher authority as scheduled.
- 9. Record Keeping
 - a. The Professional Standards and Accountability Office files are:
 - 1.) Confidential and not open to the public. (All investigations shall be considered confidential)
 - 2.) Subject to subpoena in a civil proceeding.

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- 3.) Subject to subpoena to impeach testimony in a criminal proceeding.
- 4.) All records maintained by the Professional Standards and Accountability Office shall be labeled confidential and stored in a secured area.



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